

**STATE OF VERMONT
ENHANCED 9-1-1 BOARD
Special Meeting #2
15 April 2020**

Location: Meeting held via conference call due to COVID-19 pandemic.

10:00 AM – Call to Order

Chair Marcoux brought the meeting to order. The following were in attendance via conference bridge:

Board Members Present

Sheriff Roger Marcoux, Chair
Chief Steven Locke
Captain Lance Burnham
Chief Rick Garey
Jerome Pettinga
Kelly Kennedy
Brian Keefe

Others Present

Rep. Robin Chesnut-Tangerman (arrived after roll call)
Robert Schlachter (arrived after roll call)
Lee Krohn
Jim White
Jessica Osji
Cecile Betit
Stephen Whitaker (arrived after roll call)
Dylan Zwicki
Chuck Storrow
Matt DeTura
Alex Moore (arrived after roll call)

Staff Members Present

Barbara Neal, Executive Director
Soni Johnson, Board Clerk

Addition to Agenda

The agenda was amended to add a discussion concerning VUSF status to the meeting.

Review and Discuss Response to LCAR Objections on Outage Notification Rule

Executive Director Neal reviewed the letter drafted in response to LCAR's objections to the rule. The response was developed in close consultation with E911 board IT staff and legal counsel. A copy of the draft letter was sent to Board members prior to the meeting and is available from the Board office on request.

Objection #1 – Section 3.4.1

Board Discussion

- Chair Marcoux read out the proposed changes to this section.
- Chief Locke asked if Mr. Gibson's comments were made to correct language inconsistencies (rule refers to "customers" and "subscribers" and should be consistent throughout). Executive Director Neal confirmed that is correct.
- Chief Locke asked if Executive Director Neal agreed with Mr. Gibson's comment to change "number" to "component". Executive Director Neal has discussed this with legal counsel to determine if using Mr. Gibson's proposed language would change the intent of section 3.4.1.

Public Comment on Section 3.4.1 – Note: Jonathan Gibson submitted comments to the Board in advance of the meeting and they are available from the Board office on request.

- Representative Robin Chesnut-Tangerman commented that one option open to the Board is to delay resubmitting the rule until S.301 is resolved through legislative action.
- Stephen Whitaker – This section pertains to ownership of battery backup equipment and if a carrier is obligated to monitor the condition of a battery that it has no ownership/visibility of. Board should delay response to LCAR & appoint subcommittee to research this issue.
- Jim White commented on the lack of time carriers were given to respond to the proposed language changes. Statutory language is unclear and the Board should delay response until statute is fixed.
- Jessica Osji commented on the lack of time carriers were given to respond to the proposed language changes and does not support the proposed changes. The rule language is unclear; how can the industry comply with

the rule if the requirements are not understandable. The Board should not adopt this rule and should continue to work with stakeholders on changes to language.

- Cecile Betit reminded providers of the power outage of November 2018 and issues customers had with back-up batteries.
- Chuck Storrow commented that the Board should delay response to LCAR pending further legislative action on S.301. The carriers feel very strongly that some of the information they would be obligated to submit in an outage report to the Board is confidential and it will be marked as such.
- Representative Robin Chesnut-Tangerman clarified that he did not propose a delay in response but was presenting it as an option available to the Board. He serves on LCAR and the committee did approve the other components of the rule. Further legislative activity on S. 301 is unclear at this time.

Objection #2 – Section 6.2

Board Discussion

- Executive Director Neal clarified that submitters cannot declare entire document (outage report) as confidential but must detail which information they consider confidential and cite the appropriate statute. A submitter's determination of confidential information will not be binding on the Board; legal counsel will be consulted if any questions arise concerning confidentiality requests. The Board will continue to comply with Vermont's Public Record Law.
- Chief Locke commented that State law is very thorough and the Board will continue to comply with that law.
- Captain Burnham agreed with Chief Locke. State law is good and strict. Information marked as confidential will be reviewed by legal counsel before release.
- Jerome Pettinga agreed with Captain Burnham.
- Brian Keefe asked how the rule language differs from Vermont's Public Records Law and how other State agencies handle confidentiality issues.
- Chair Marcoux – all State agencies are bound by the public records law.

Public Comment on Section 6.2

- Stephen Whitaker commented that the draft rule phrasing is proper and shifts the burden to carriers to defend requests for confidentiality of information. Transparency is paramount. Who makes the final decision as to what information is confidential; AGs office should not be able to determine that. Board should move forward with the rule – after removing certain language. Board should create a subcommittee to detail what language must be contained in an outage report and which language can be considered confidential.
- Matt DeTora commented that the Board should delay the rule in light of possible legislative activity on S.301 and the lack of time given to carriers to respond to proposed language changes. The Board should declare outage reports to be confidential (like the Federal government does).

Chari Marcoux recommended that the Board wait to submit proposed language changes to LCAR. He also asked all public members present to submit their comments/concerns/recommendations to the Board in writing. Board members concurred.

Executive Director Neal will request an extension from LCAR and will consult with legal counsel to make sure the Board response is in compliance with Act 79.

System Implementation Updates

- Indigital and Consolidated Communications have been notified of the intent to delay implementation of the new system until October 2020. Contract amendments are in progress.
- No responses were received in response to the original IVV RFP. Authorization has been received to reissue the RFP using the simplified bid process; expected release date is 5/4/20, with responses due by 6/22/20.

VUSF Status

Executive Director Neal provided an overview of ongoing issues with the VUSF that are impacting Enhanced 911 Board funding. A handout (*Impacts of Projected Deficit in Vermont Universal Service Fund on Statewide 911 System*) was provided to members in advance of the meeting and is available from the Board office by request. Meetings with the Public Service Department and the Department of Finance & Management are ongoing.

Public Comment on VUSF Status

Stephen Whitaker commented that the USF should be expanded to cover broadband. The Board should consider extending the delay of the new system implementation for a year. Connectivity grants are not being distributed and those funds should go to E911. Ongoing issues with the INdigital /FirstLight network should be resolved before implementing the new 911 system. The Board has not learned from past mistakes; no engineering study has been completed.

Public Comment – none

New Business – none

Next Meeting Date & Adjournment

The next quarterly meeting has been scheduled for Tuesday, 7/14/20. Location TBD.

Motion: There being no further business, Captain Burnham made a motion to adjourn; 2nd by Chief Garey. There was no discussion and the motion passed unanimously by voice vote. The meeting adjourned at 11:16 AM.

Respectfully submitted:

Soni Johnson

Soni Johnson, Board Clerk

4/25/20

Date